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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,345	11/14/2001	Kazuhito Miyaki	100809-00089 (SCEY 19.175	5804
26304	7590	10/29/2003	EXAMINER	
KATTEN MUCHIN ZAVIS ROSENMAN 575 MADISON AVENUE NEW YORK, NY 10022-2585			NGUYEN, KIM T	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 10/29/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/993,345

Applicant(s)

MIYAKI ET AL.

Examiner

Kim Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____.

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DETAILED ACTION

Claim Objections

1. Claims 1-3 and 11-16 are objected to because of the following informalities:
 - a) In claim 1, line 2; claim 11, line 2; claim 12, line 2; claim 14, line 2; and claim 16, line 1; the claimed limitation “the story” should be corrected to “a story”.
 - b) In claim 2, lines 3-4, the claimed limitation “a determination” should be corrected to “said determination”.
 - c) In claim 3, line 3, the claimed limitation “the number” should be corrected to “a number”.
 - d) In claim 11, lines 4 and 7; claim 12, lines 4 and 6; claim 13, line 6; claim 14, line 7; claim 15, line 9; and claim 16, line 7; the claimed limitation “flow of story” should be corrected to “flow of said story”.
 - e) In claim 14, line 5, the claimed limitation “an search instructing input” should be corrected to “the search instructing input”.
 - f) In claim 15, lines 3-4, the claimed limitation “video program” should be corrected to “processing program”.
 - g) In claim 15, line 7; and claim 16, line 5; the claimed limitation “a user” should be corrected to “the player”.

Appropriate correction is required.

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Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Best (US. Patent No. 4,305,131).

a. As per claim 1, Best discloses a story branching control method comprising the steps of providing a branching point, receiving a search instructing input (col. 9, lines 58-60; col. 22, lines 1-4); searching for the branching point, comparing the branching point with the point of the search instructing input, and determining a branch destination (col. 8, lines 2-15, 39-46, and 50-54; col. 22, lines 13-21 and 37-45). Best does not explicitly disclose searching for the branching point for a predetermined period of time. However, the searching procedure would obviously take a certain amount of time. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to assign a predetermined searched time for the searching step in order to prevent infinite search for non-existing point.

b. As per claim 2-5, Best discloses a counter and the step of setting a value for signaling a search result (col. 22, lines 37-40).

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c. As per claim 6-7, setting a flag for signaling a result of the comparison would have been well known to a person of ordinary skill in the art at the time the invention was made.

d. As per claim 8-10, notifying a search procedure being conducted would have been well known.

e. As per claim 11-16, refer to discussion in claims 1-2 and 9-10 above.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is (703) 308-7915. The examiner can normally be reached on Monday-Thursday from 8:00AM to 5:00PM ET. The central official fax number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

kn
Date: October 23, 2003


KIM NGUYEN
PRIMARY EXAMINER